

New York City Department of Education
Division of Human Resources and Talent
65 Court Street, Brooklyn,
New York 11201

PERSONNEL MEMORANDUM NO.4, 2009-2010

April 2010

TO: All Superintendents, Network Leaders, Chief Executives, Executive Directors, Directors, Managers, Principals and Heads of Offices

FROM: Lawrence E. Becker
Chief Executive Office

SUBJECT: **ACCOMMODATION REQUEST**

This memorandum supersedes Personnel Memorandum #51, 1997-98. It is the policy of the NYC Department of Education to provide equal employment opportunity to all qualified individuals with disabilities. Any current or prospective employee who is a qualified individual with a disability may request a reasonable accommodation in order to assist in performing the essential functions of his/her present assignment. Determinations regarding accommodations will be made on an individual basis after a review of the following: the individual's functional limitations; the medical documentation and examination of the individual, if necessary; the essential functions of the job; and whether the granting of the accommodation would impose an undue hardship on the Department of Education. Information regarding an individual's disability will be kept confidential to the extent required by law.

REQUESTING AN ACCOMMODATION

As a first step, an individual who feels that he/she is in need of an accommodation must first discuss the request informally with his/her supervisor. An individual is not required to provide information as to the nature of his/her disability, and need only state that he/she is disabled and outline his/her functional limitations and the particular accommodation(s) requested. Examples of such accommodations are: visual aid equipment, elevator accessibility, assistance in the classroom and no escort duty. If an accommodation request is denied or cannot be provided through the above-referenced informal means, the employee may apply for a formal accommodation by submitting the Accommodation Request Form on page #2. Medical documentation to support the request must be attached. The request is to be forwarded to the N.Y.C. Department of Education, HR Connect Medical Administration Office, 65 Court Street, Room 201, Brooklyn, New York 11201, Att: Accommodation Unit.

ADDITIONAL MEDICAL DOCUMENTATION AND/OR EXAMINATION

After reviewing the initial request and supporting medical documentation, additional medical documentation and/or an examination may be necessary to determine whether a reasonable accommodation is possible. In such cases, a request for additional information and/or a medical appointment notice will be mailed to the employee's home.

GRANTING AN ACCOMMODATION

If a DOE physician determines that an employee has a disability and requires an accommodation, the DOE's Office of Equal Opportunity (OEO) will be notified of the physician's determination. This notification will include the employee's limitations. Upon receipt of the information, OEO will contact the employee's supervisor in order to determine the feasibility of granting an accommodation. If a reasonable accommodation is possible, OEO will forward the details of the accommodation to the Medical Office. Once granted, accommodations may be reevaluated, modified or terminated due to changed circumstances.

NOTIFICATION OF A DETERMINATION

When a final determination to either approve or deny an accommodation request has been rendered, a letter will be mailed to the employee's home. A copy of the final determination letter will be placed in the employee's medical file and also forwarded to the employee's supervisor and the Office of Equal Opportunity.

Please contact the HR Connect Medical Administration Office at 718 935-2731 should you require any assistance or clarification.



Department of
Education
Dennis M. Walcott, Chancellor

New York City Department of Education - Division of Human Resource and Talent

HR Connect Medical, Leaves & Records Administration

65 Court Street, Brooklyn, NY 11201

Phone: 718-935-4000 Fax: 718-935-2641



Accommodation Request Form

To be completed by the applicant

FILE NUMBER

TITLE

SOCIAL SECURITY NUMBER

LAST NAME

FIRST NAME

M.I.

STREET ADDRESS

APT NUMBER

CITY

STATE

ZIP CODE

HOME TELEPHONE #

E-MAIL ADDRESS

SCHOOL/OFFICE

CFN

SUPERVISOR'S NAME

SUPERVISOR'S TELEPHONE NUMBER

DISABILITY, LIMITATION(S) AND JOB FUNCTION(S) UNABLE TO PERFORM:

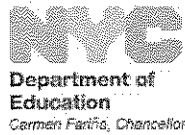
DETAILED DESCRIPTION OF ACCOMMODATION REQUEST:

Has your request been denied by your supervisor? Yes ☐ No ☐

Signature of Applicant

Date

Supporting medical documentation and a description of your job duties must accompany this request.



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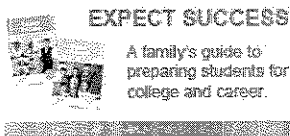
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Office of Equal Opportunity & Diversity Management

Disability Unit

INTRODUCTION

The Disability Unit is responsible for ensuring that the Department of Education is in compliance with federal, state and local laws governing non-discrimination against individuals with disabilities. The laws prohibit discrimination in employment on the basis of disability and require that an employer provide a qualified applicant or employee with a reasonable accommodation unless it presents an undue hardship. The Unit investigates complaints of employment discrimination based on disability. The Unit advises employees of their rights and the procedure to follow in requesting a reasonable accommodation from the Department of Education's H R Connect Medical Office. In addition, the Unit mediates in instances where an approved accommodation has not been implemented at the work site.

The following information is intended to familiarize you with the Department of Education's procedure regarding accommodating individuals with disabilities.

1. WHO IS PROTECTED AGAINST DISCRIMINATION?

Employment discrimination is prohibited against "qualified individuals with disabilities." In addition, persons discriminated against because they have a known association or relationships with an individual with a disability are also protected.

2. WHO IS AN INDIVIDUAL WITH A DISABILITY?

An individual with a disability is defined as someone with a physical, medical, mental or psychological impairment, a history or record of such an impairment, or being regarded as having such as impairment.

3. WHAT EMPLOYMENT PRACTICES AND ACTIVITIES ARE COVERED?

The laws prohibit discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

4. WHO IS A "QUALIFIED" INDIVIDUAL WITH A DISABILITY?

A "qualified individual" with a disability is an applicant or employee who meets the skill, experience, education, and other job related requirements for the job, and who can perform the "essential functions" of the job with or without a "reasonable accommodation."

5. WHAT ARE A JOB'S "ESSENTIAL FUNCTIONS?"

A job's "essential functions" are the basic job duties that an employee must be able to perform, with or without a reasonable accommodation. Factors to be considered in determining if a function is essential include:

- whether the reason the position exist is to perform that function,
- the number of other employees available to perform the function, and
- the degree of expertise or skill required to perform the function.

6. WHAT IS A "REASONABLE ACCOMMODATION?"

A "reasonable accommodation" is any modification or adjustment to a job or work environment that allows a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodations may include:

- * making the workplace structurally accessible to people with disabilities (rest room grab bars, signage, elevator keys, etc);
- * modifying work schedules and assignments (assignment to a single

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Key Documents

[OEO Staff Contact List](#)

[Chancellor's Regulation A-820](#)

[Complaint of Alleged
Discrimination Form](#)

[Diversity and Inclusion Policy](#)

[Personnel Memorandum 4](#)

[Staff Development Workshop
Central Office Staff Series Order
Form](#)

[Staff Development Workshop
School Staff Series Order Form](#)

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accessible classroom or to nearby classrooms, interspersing classroom and preparation periods, etc);

* purchasing or modifying equipment or devices (raising desks with boards to accommodate people using wheelchairs, providing flashing lights and volume controls on classroom intercoms, permitting use of overhead projectors rather than writing on a chalkboard, and large print computer display processors, etc.);

* providing auxiliary aids and services (supplying readers, paraprofessionals, aides, written copies of loud speaker announcements for teachers with hearing impairments, providing material in alternative formats);

* reassignment to a vacant position.

7. IS THE EMPLOYER REQUIRED TO GRANT THE SPECIFIC ACCOMMODATION REQUESTED BY THE EMPLOYEE?

An employer is not always required to grant the specific accommodation requested by an individual with a disability, even if that accommodation would be reasonable. The employer only has to provide an accommodation that would enable the individual to perform the essential functions of the job in question in a reasonable manner. For example, material might be provided to a teacher with a visual impairment in a taped format, rather than assigning a requested reader to assist the teacher.

8. MUST AN EMPLOYER MODIFY EXISTING FACILITIES TO MAKE THEM ACCESSIBLE AS A REASONABLE ACCOMMODATION?

Depending on the employer's circumstances and the nature of the needed modification, an employer may be required to modify facilities to enable an individual to perform essential job functions and to have an equal opportunity to participate in other job-related activities, unless accommodating the individual would present an "undue hardship" to the employer.

9. WHAT IS AN "UNDUE HARDSHIP?"

An "undue hardship" means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation presents an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation. Undue hardship will be determined on a case-by-case basis.

10. ARE THERE LIMITS TO AN EMPLOYER'S OBLIGATION TO MAKE A REASONABLE ACCOMMODATION?

The individual with a disability requiring the accommodation must be otherwise qualified for the job, and it is the responsibility of the individual to make his or her disability known to the employer and to request an accommodation.

11. WHO SHOULD KNOW ABOUT AN INDIVIDUAL'S DISABILITY?

All medical records or other information about a disability should be kept confidential, except to the extent that supervisors and managers must be informed about work restrictions or reasonable accommodations; first-aid and safety personnel need to be informed if the disability may require emergency treatment; and government officials investigating compliance with laws are required to be provided with relevant information upon request. The medical records should be maintained in a separate medical file.

12. CAN OTHERS BE TOLD WHY AN INDIVIDUAL HAS BEEN GIVEN WHAT MAY APPEAR TO BE SPECIAL TREATMENT?

Employers are prohibited from divulging confidential information about an individual's disability to those not in the "need to know only" category. The employer can only confirm that it is complying with applicable federal, state and city laws.

13. HOW TO FILE A COMPLAINT OF DISCRIMINATION

Complaints of disability discrimination, whether relating to reasonable accommodations or otherwise, should be filed with the Office of Equal Opportunity, pursuant to Chancellor's Regulation A-830, which covers allegations of various forms of civil rights discrimination. Grievance and arbitration procedures, under collective bargaining agreements, may provide another avenue for addressing discrimination issues. The applicant or employee may also file a complaint with the Equal Employment Opportunity Commission; U.S. Department of Education, Office for Civil Rights; New York State Division of Human Rights; or the New York City Commission on Human Rights.

PROCEDURES FOR REQUESTING A REASONABLE ACCOMMODATION

HOW DOES AN INDIVIDUAL REQUEST A REASONABLE

ACCOMMODATION?

The need to make a reasonable accommodation arises after the person with the disability makes known that disability and requests an accommodation. Many accommodations involve little if any cost and can be accomplished with minimal administrative effort. The individual can request an accommodation through the H R Connect Medical office by completing and submitting Personnel Memorandum 4 with supporting medical documentation to the H R Connect Medical office at 65 Court Street, Room 224, Brooklyn, NY 11201.

WHAT SHOULD AN INDIVIDUAL DO IF AN ACCOMMODATION APPROVED BY THE H R CONNECT MEDICAL OFFICE IS NOT IMPLEMENTED?

If an accommodation approved by the H R Connect Medical office is not implemented, the individual should contact the Office of Equal Opportunity at 65 Court Street, Suite 1102, Brooklyn, NY 11201 (718) 935-3603 for assistance.

HOW TO CONTACT THE DISABILITY COORDINATOR?

The Disability Coordinator may be contacted at:

Office of Equal Opportunity
Disability Unit
65 Court Street Suite 1102
Brooklyn, NY 11201

Tel: (718) 935-3603

It is the policy of the Department of Education of the City of New York to provide educational and employment opportunities without regard to race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender (sex), military status, prior record of arrest or conviction, except as permitted by law, predisposing genetic characteristics, or status as a victim of domestic violence, sexual offenses and stalking, and to maintain an environment free of harassment on any of the above-noted grounds, including sexual harassment or retaliation.

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